

BROWN & CONNERY, LLP

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**TRUSTEES OF IRON WORKERS DISTRICT
COUNCIL (PHILADELPHIA AND VICINITY)**
6401 Castor Avenue
Philadelphia, PA 19149

and

**IRON WORKERS DISTRICT COUNCIL
(PHILADELPHIA AND VICINITY)
BENEFIT AND PENSION FUND**
6401 Castor Avenue
Philadelphia, PA 19149

Plaintiffs,

vs.

JHE, INC.
306 Weathervane Commons
Richboro, PA 18954

Defendant.

**IN THE UNITED STATES
DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

CIVIL ACTION NO.

**COMPLAINT
AND DEMAND FOR
JURY TRIAL**

Plaintiffs, Trustees of Iron Workers District Council (Philadelphia and Vicinity), and Iron Workers District Council (Philadelphia and Vicinity)(Benefit and Pension Fund), 6401 Castor Avenue, Philadelphia, Pennsylvania 19149 (hereinafter "Plaintiffs", by way of Complaint against defendant JHE, Inc. (hereinafter "JHE"), 306 Weathervane Commons, Richboro, Pennsylvania 18954, say:

ALLEGATION OF JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to Sections 502(a)(3)(B)(II), (d)(1) and (f) of the Employee Retirement Income Security Act, 29 U.S.C. Sections 1132

(a)(3)(ii), (d)(1), (g)(2) and (f), and 1145 (hereinafter referred to as "ERISA"); and Section 301(a) of the Labor Management Relations Act, as amended 29 U.S.C. Sections 185(a), (hereinafter referred to as "LMRA").

2. This court is one of proper venue under ERISA Section 502(e)(2), 29 U.S.C. Section 1132(e)(2) because JHE has its principal place of business in the Eastern District of Pennsylvania and the Plaintiffs administer the Benefit and Pension Funds within the Eastern District of Pennsylvania. Furthermore, the unlawful acts alleged below were and are now being committed by JHE in the Commonwealth of Pennsylvania and the Eastern District of Pennsylvania.

PARTIES

3. Plaintiff Trustees of Iron Workers District Council (Philadelphia and Vicinity)(the "Trustees") are responsible for overseeing the payment of contributions to the Benefit and Pension Plans (the "Funds") of various Ironworkers who performed labor and services for companies such as JHE.

4. Plaintiff Iron Workers District Council (Philadelphia and Vicinity) Benefit and Pension Fund is a trust fund established and maintained pursuant to Section 302(c)(5) of the LMRA, 29 U.S.C. Sections 1132(a)(3) and (g) respectively and is an employee benefit plan established and maintained pursuant to Sections 3(1) and 3(3) of ERISA, 29 U.S.C. Sections 1002(1) and (3), and maintained for the purpose of providing benefits to eligible participants and their dependants. The Benefit and Pension Fund qualifies to commence this action under Section 502(d)(1) of ERISA, 29 U.S.C. Section 1132(d)(1).

5. JHE is an employer in an industry affecting commerce within the meaning of ERISA and the National Labor Relations Act, 29 U.S.C. Sections 152(6) and (7) (hereinafter referred to as "NLRA"), and it is believed JHE is a corporation authorized to do business in the

Commonwealth of Pennsylvania. JHE is bound under the terms of the Collective Bargaining Agreement between the Trustees and JHE to pay dues to the Trustees.

STATEMENT OF CLAIM

6. At all times relevant hereto JHE was a party to a Collective Bargaining Agreements whereby it agreed to make full and timely contributions in designated amounts to the aforesaid Funds, but it has failed to do so. Despite its clear, unequivocal obligations under the Collective Bargaining Agreement and repeated demands by Plaintiffs, JHE has failed and refused to make the full and timely contributions it was obligated to make.

7. By reason of JHE's failure, JHE owes the Plaintiffs benefit payments for the period of August 25, 1998, through June 30, 2000, in the sum of \$233.56, plus late charges of \$1,715.76.

COUNT ONE

8. Plaintiffs incorporate by reference herein paragraphs 1 through 7 as if stated more fully herein.

9. JHE's failure and/or refusal to make the Benefit and Pension Fund contributions to the Trustees in a full and timely manner as described in the Collective Bargaining Agreement constitutes a breach of the Collective Bargaining Agreement and Section 301 of the LMRA, 29 U.S.C. Section 185(a).

WHEREFORE, Plaintiffs requests the following relief:

- (a) Entry of Judgment in favor of Plaintiffs in the sum of \$1,949.32 against defendant JHE, Inc. plus such other additional monies as may be determined to be justly due and owed to the Trustees during the pendency of this action and before final judgment;
- (b) Interest, liquidated damages, counsel fees and costs as authorized by law; and
- (c) Such other relief that the court deems appropriate.

BROWN & CONNERY, LLP
Attorneys for Plaintiffs

Dated: May 9, 2002

By: /s/Stephanie Nolan Deviney
Stephanie Nolan Deviney

DEMAND FOR TRIAL BY JURY

TAKE NOTICE that Plaintiffs demand a trial by jury on all issues.

BROWN & CONNERY, LLP
Attorneys for Plaintiffs

Dated: May 9, 2002

By: /s/Stephanie Nolan Deviney
Stephanie Nolan Deviney